

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES MIDDLEWORTH,)	CASE NO. 5:07CV1683
)	
PETITIONER,)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
STATE OF OHIO,)	MEMORANDUM OPINION
)	AND ORDER
)	
RESPONDENT.)	
)	

This matter is before the Court upon a petition for a writ of habeas corpus filed by James Middleworth ("Petitioner"), pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

On June 18, 2007, this case was automatically referred to Magistrate Judge George J. Limbert for preparation of a Report and Recommendation, pursuant to 28 U.S.C. § 636 and LR 72.1. (Dkt. # 3). On June 24, 2008, the Magistrate issued a report and recommendation, recommending that the Court deny the instant petition because Petitioner has failed to comply with the Magistrate Judge's Order of May 21, 2008, directing Petitioner to file an amended petition pursuant to Rule 2(c) of the Rules Governing Section 2254 Cases because the original petition lacked factual support. (Dkt. # 7).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the

Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

The Court has reviewed the report and recommendation of the Magistrate Judge *de novo*, and finds that it is well-supported. Therefore, the Report and Recommendation of Magistrate Judge Limbert (Dkt. # 8) is hereby **ADOPTED**, and Petitioner's petition for a writ of habeas corpus is **DENIED**.

IT IS SO ORDERED.

/s/ Peter C. Economus – July 22, 2008
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE